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GENERAL COUNSEL

JUN 11 2001

Before the State of South Carolina
Department of Insurance

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

In the matter of:

File Number 105310

Angelo R. Casanese,
206 W. Peninsula Drive
Laurens, South Carolina 29360

Consent Order
Imposing Administrative Penalty

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Angelo R. Casanese, a licensed South Carolina resident adjuster.

Angelo R. Casanese admits, and I hereby find as fact, that he answered "no" to the question "have you ever been convicted of a violation of any law other than a minor traffic violation." This conduct is in violation of S.C. Code § 38-47-10 which states "the Director or his designee shall satisfy himself that each applicant for an adjuster's license is an individual of good moral character." This act can ultimately lead to the revocation of Casanese's license to transact the business of insurance as an adjuster in South Carolina following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-43-130 (Supp. 1999).

Prior to the initiation of any administrative proceedings by the Department against him, Casanese and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Casanese's insurance adjuster's license, he would waive his right to a public hearing and immediately pay an administrative fine in the total amount of \$1000.

Section § 38-43-130 states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent... has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State."

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Casanese has violated S.C. Code § 38-47-10 (Supp. 2000) and that I can now revoke his resident adjuster's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 and 25A SC Code Ann. Reg. 69-50 §VIII (Supp. 1999), I hereby impose against Casanese an administrative fine in the total amount of \$1000. Casanese must pay the required fine within ten days of the date of my signature upon this consent order. If he does not timely pay that total fine amount his resident adjuster's license will be revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Casanese on this issue before and of his

ARC Angelo R. Casanese

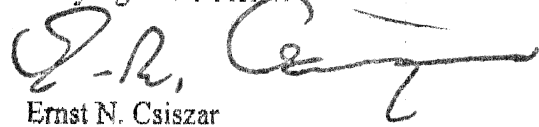
assurance that in the future he will comply with the state's insurance laws. The parties expressly agree and understand Casanese's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Casanese acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Angleo R. Casanese shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of \$1000.


It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Casanese's licensing file.

This consent order becomes effective as of the date of my signature below.


Ernst N. Csiszar
Director

Date JUN 12, 2001, at
Columbia, South Carolina

I CONSENT:


Angleo R. Casanese
206 W. Peninsula Drive
Laurens, South Carolina 29360

Dated this 7 day of JUNE, 2001